

Pursuant to Federal Rule of Civil Procedure 12(b)(6), Defendant Excellere Partners, LLC hereby moves to dismiss the action as to Excellere for failure to state a claim upon which relief can be granted. Accompanying this motion is a brief explaining with particularity the grounds for the motion, including the authorities upon which we rely, along with a proposed order dismissing the action. For all the reasons stated in the brief, Excellere respectfully submits that the Court should dismiss the action as to Excellere for failure to state a claim.

Dated: February 14, 2017

Respectfully submitted,

/s/ Andrew C. Nichols

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CERTIFICATE OF SERVICE

I certify that on this 14th day of February, 2017, a true and correct copy of the foregoing document was served using the Court's CM/ECF system on all attorneys of record by electronic means.

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